

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ROBERT DARRAH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:17-cv-00039
)	
)	
BLUE RIDGE RUBBER & INDUSTRIAL)	
PRODUCTS COMPANY, et al.,)	
)	
Defendants.)	

NOTICE OF AND PETITION FOR REMOVAL

Petitioners/Defendants Blue Ridge Rubber & Industrial Products Company, Cheryl Eller and Edwin Eller (collectively, “Blue Ridge”), by and through their undersigned attorneys, and pursuant to 28 U.S.C. §§ 1441, *et seq.*, hereby file their Notice of and Petition for Removal of this action from the Circuit Court for the City of Charlottesville, in which it is now pending, to the United States District Court for the Western District of Virginia, and in support thereof, respectfully aver as follows:

1. Blue Ridge and the Ellers have been named as the Defendants in a suit filed in the Circuit Court for the City of Charlottesville, Virginia, Case No. CL 17-130. Suit was filed on March 15, 2017 and although not yet served, a copy of the suit was sent to the Defendants by Plaintiff’s counsel on May 3, 2017. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. § 1331. Defendants seek to remove this action to this Court under Title 28 U.S.C. § 1441(a).

2. Filed herewith as **Exhibit 1** are a copy of the Complaint and redacted transmittal letter from counsel.

3. The above-entitled action is a civil action in which the Plaintiff alleges violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, retaliation in violation of that statute, and wrongful termination of employment in violation of the public policy of the Commonwealth of Virginia against Defendants in connection with Plaintiff's employment at Blue Ridge's business location in Harrisonburg, Virginia.

4. Defendants are entitled to removal because this action is brought pursuant to a federal statute, the federal Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*

WHEREFORE, Petitioners/Defendants, Blue Ridge Rubber & Industrial Products Company, Cheryl Eller and Edwin Eller, respectfully request that the above-entitled action be removed from the Circuit Court for the City of Charlottesville, Virginia to the United States District Court for the Western District of Virginia, Charlottesville Division.

Dated: June 2, 2017

Respectfully submitted,

BLUE RIDGE RUBBER & INDUSTRIAL
PRODUCTS COMPANY,
CHERYL ELLER and EDWIN ELLER

By: /s/ Joan C. McKenna

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Counsel for Petitioners/ Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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